

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

No.
DWANTE JACKSON,
COMPLAINT FOR DAMAGES,
WITH ADDITIONAL PARTIES TO BE ADDED,
PLAINTIFF,
JURY DEMAND

v.

KING COUNTY, KING COUNTY ADULT CORRECTIONS,
AND KING COUNTY CORRECTION OFFICER D. ECHOLS,
KING COUNTY CORRECTION OFFICER RICHMOND,
SERGEANT EDMONDS, JOHN DIAZ, OTHER EMPLOYEES, AND
OR OFFICIALS AND JOHN DOE 1-30), as Employees)
and in their Individual Capacities.) and as

DEFENDANTS.

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I. INTRODUCTION

1.1 This is a Civil Rights action brought by Plaintiff Dwante Jackson, pursuant to 42 U.S.C Section, 1983 and the Fourth, Eight and Fourteenth Amendments, against King County, its Officials, Officers and Employees, The King County Adult Corrections Department and King County Corrections Officers, listed in the caption.

1.2 This case arises from assault, excessive force, and the tort of outrage.

1.3 Defendant King County is a Political Subdivision of the State of Washington, which operates jails and other corrections facilities, designed to detain people.

1.4 Among the facilities operated by King County is the "KCCF", a jail located at 500 Fifth Avenue, in downtown Seattle. The KCCF is also known as the King County Jail, downtown Seattle.

1.5 At all times relevant here to, the Individual Defendants were acting under color of state law and the authority of their positions, as Officials and or Employees of King County, and they are individually liable for their acts and omissions alleged herein.

II. PARTIES

- 2.1 Plaintiff Dwante Jackson is a resident of King County, Washington.
- 2.2 Defendants Officers, D. Echols, Richmond, Sergeant Edmonds, and "Others", and John Diaz, at all times relevant, were employed as Corrections Officers, by the King County Adult Corrections Department and they were acting within the course and scope of their employment, with their Employer, King County and under color of state law.
- 2.3 Defendant King County and King County Adult Corrections are responsible for the actions and activities of Employees of the King Count Adult Corrections Department, when King County Employees are acting within the course and scope of their employment.
- 2.4 John and Jane Doe Officers. There are other unknown King County Correction Officers that participated in the events that formed the bases for this lawsuit. These Officers were acting within the course and scope of their employment with King County and were acting under the color of state law.
- 2.5 Defendant John Diaz. Defendant John Diaz is the current Director of King County Adult Corrections Department. Director Diaz was at all times, relevant to this case, responsible for the training and supervision of the King County Department of Corrections Officers.

III. JURISDICTION AND VENUE

3.1 Jurisdiction. Jurisdiction in this Court is based on King County being a Political Subdivision in the State of Washington and the fact that all Defendants reside in the State of Washington.

3.2 Venue. Venue for this action is appropriate in this Court because the events giving rise to the claims, asserted herein, occurred in the City of Seattle, in King County.

3.3 Subject Matter Jurisdiction. This Court has subject matter jurisdiction, because of a Civil Rights Claim being brought pursuant to 28 U.S.C., Sections 1331 and 1334.

3.4 Supplemental Jurisdiction. This Court has supplemental jurisdiction over the Plaintiff's related "State Law Claims" , pursuant to 28 U.S.C., section 1367 (a).

3.5 Venue. Venue is proper, pursuant to 28 U.S.C, section 1319 (b).

IV. FACTS

4.1 On November 16, 2021, Dwante Jackson, an African American man, was arrested and transported to the King County Jail. At the time of his booking, King County was aware that Mr. Jackson had mental health issues, because of his previous bookings.

4.2 On November 18, 2021, while being placed into a jail cell, on the 7th floor Mental Health Unit, Officers Echols and Richmond slammed him face first into the ground, while he was handcuffed.

4.3 Mr. Jackson had his hands handcuffed behind his back and the Officers, Echols, Richmond, and others, twisted his arms behind his back, pushed him into the cell and struck Mr. Jackson several times. They put their knees in his back, kicked his legs, and pulled his arms. Also, he was struck in the face, several times. In addition, he was put in a hair hold and hog tied.

4.4 Sergeant Edmonds supervised this encounter and had Mr. Jackson taken to Harborview Medical Center. At Harborview Medical Center, Mr. Jackson was diagnosed with a deep cut to his face, which required stitches, and which left permanent injuries. He had permanent ankle damage and lower back and neck injuries, however; this is not an exhaustive list of his injuries.

4.5 Prior to Mr. Jackson being taken to the ground, he made no aggressive gestures, nor any gesture towards either Officer. One Officer was holding his arms; he was handcuffed, and Mr. Jackson posed no immediate threat, of any kind to any Officer.

4.6 In addition, there is no evidence of provocation from Mr. Jackson and no evidence of physical provocations from Mr. Jackson, toward any Officer. Prior to being taken down, Mr. Jackson committed no violent acts, and he did not use any force toward any Officer. Therefore, the force used against Mr. Jackson was neither reasonable nor necessary, or even remotely justified.

Mr. Jackson did not want to enter the cell because it reeked of urine and it smelled like feces. Shortly thereafter he contracted "MRSA".

4.7 Once Mr. Jackson was forcibly taken down to the floor, Mr. Jackson was elbowed in the back and punched in the head several times and as a result, Mr. Jackson had bruised ribs, and a bloody face.

4.8 Once on the ground, several other Officers got involved in holding him down and he was in a "Figure four Hold" and had his feet "Hog Tied".

4.9 Mr. Jackson was kept in this position for several minutes, with knees on his back and neck, even though he was fully restrained, could not move, and was not resisting arrest.

4.10 While on the ground, one of the Officers put him in a "Hair Hold".

4.11 The beating sustained by Mr. Jackson was severe, as evidenced by his bloody face.

4.12 After Sergeant Edmonds came to the scene, Sergeant Edmonds, and a Nurse decided that he should be taken to Harborview Medical Center.

4.13 The force used against Mr. Jackson was both disproportionate and unnecessary and can only be defined as excessive and abusive. The Officer's conduct was totally unreasonable and in violation of King County's use of force policy.

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4.14 King County will not be able to demonstrate that any Officer was acting in self-defense, or that Mr. Jackson's behavior posed an immediate threat, to any Officer.

4.15 None of the Officer's restraints or take down actions complied with King County's training, de-escalation tactics or use of force policies.

4.16 Some of the Officers involved in this incident have prior histories of use of excessive force incidents.

4.17 Doctors at the Hospital determined that Mr. Jackson had the following.

Injuries:

1. Facial lacerations and facial trauma.
2. Sore ribs.
3. Closed head injury/headaches.
4. Low back injuries.
5. Neck injuries.
6. Ankle injuries.

4.18 In other follow-up medical visits, it was determined that he had the following injuries:

1. A permanent ankle injury
2. Permanent back and neck injuries.

4.19 After being treated, Mr. Jackson was returned to the King County Jail and re-booked. However, no re-booking video was made available to his Public Defender, as required, within the 90-day time period, the County is required to keep, and to produce those videos. Also, the original video from the 7th floor, which has cameras was not provided.

4.20 In addition, no transport video of him in the van, which had video cameras, was provided, which would show him being transported to and from Harborview.

4.21 Mr. Jackson has experienced physical and emotional harm as a direct result of this incident.

V. CAUSES OF ACTION

5.1 First Cause of Action. King County and King County Corrections Officers D. Echols, Officer Richmond, Sergeant Edmonds and other known and unknown other King County Corrections Officers are liable to Mr. Jackson for the tort of assault.

5.2 Second Cause of Action. King County and King County Corrections Officers Echols, Richmond and Sergeant Edmonds, and other known and unknown King County Corrections Officers are liable to Plaintiff Jackson for using excessive force, under color of state law, against Mr. Jackson.

5.3 Third Cause of Action. King County and King County Corrections Officers, Echols, Richmond and Sergeant Edmonds and known and unknown Officers are liable to the Plaintiff for intentional infliction of emotional distress.

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5.4 Fourth Cause of Action. King County and King County Corrections Officer Echols, Richmond, Sergeant Edmonds, and other Officers are liable for negligently using the "Hair Hold" and "Four-Square Tactic", "Elbow Strikes" and "Knee and Neck Strikes" against Mr. Jackson, and for use of excessive force.

5.5 Fifth Cause of Action. King County and King County Corrections are liable to the Plaintiff for violations of Plaintiff's civil rights, to the extent, that the failure to train, supervise and discipline Corrections Officers is a policy, practice, or custom of King County Corrections Department, in violation of 42 USC, Section. 1983.

5.6 Sixth Cause of Action. King County and King County Corrections are liable for negligence, under Washington State law. and negligence, under Federal law.

5.7 Seventh Cause of Action. King County and King County Corrections Department are liable under 42 USC; Section. 1983, for emotional distress, economic, nominal, and punitive damages and under Washington State law, general physical pain and suffering damages, as well as attorney fees and cost, under both Federal and State law.

VI. LIKELIHOOD OF AMENDMENT

6.1 There is a substantial likelihood that the Plaintiff may seek to amend this Complaint, as discovery and the investigation progress.

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6.2 In addition, the Plaintiff may add other causes of action under State Law, as revealed by the discovery process.

VII. PRAYER FOR RELIEF

The Plaintiff seeks the following damages:

1. Punitive damages, in an amount to be proven at trial.
2. For compensatory damages, loss back and future wages.
3. For pain, suffering and emotional distress.
4. For reasonable attorney's fees.
5. For such other and further relief, as the Court deems just and equitable.

Respectfully submitted this 13th Day of April 2023.

Oscar Desper

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